

APPENDIX Q. NOXIOUS WEED MANAGEMENT PLAN APPLICATION FORM

Madison County Weed Board

P.O. Box 278 • Virginia City, Montana 59755 • (406) 843-5594 • (406) 843-5252 fax

Enclosed, please find a “**SUBDIVISION/LANDOWNER NOXIOUS WEED MANAGEMENT PLAN**” for the Subdivider/landowner to fill out and return to us for review. The Weed Board will review the Plan at its next regular meeting, which is the third Tuesday of every month. Please feel free to make copies of these forms for future use.

When filing the Weed Management Plan, please pay attention to several parts of the Plan:

- a) **Item #II – “Noxious Weed Data”. Weed Identification, Land Uses and Environmental and Safety Factors are all important considerations when making recommendation for control or management of all Noxious Weeds.**
- b) **Please include a map of the area in question. This is valuable in assisting with guidance or advice about a Weed problem and when making arrangements to view the property.**
- c) **Approval/Signature page. The Weed Board will not review or approve a Weed Management Plan unless it has a Notary approved signature of the Landowner or Representative.**

If the management plan is approved, a letter stating so and a copy of the plan will be sent to Subdivider/Landowner. A copy of the approval letter will be sent to the Board of Commissioners of Madison County, the Clerk and Recorder’s Office and the Planning Board. The original plan and a copy of the approval letter will be kept on file in our Office.

If the management plan is not approved, the plan will be returned to the Subdivider/Landowner with an explanation of why and any suggestions of changes that may be needed to be in Compliance with the Montana/County Noxious Weed Act 7-22-21 MCA and the Madison County Weed Plan.

The Board requests that they or their representative be allowed to inspect the property for the presence of noxious weeds. If the management plan is filed during the winter months, then the inspection will be made when time and weather are conducive to developer or landowner in identifying noxious weeds that may be present, or identifying possible trouble spots that may arise with the construction of roads or homes.

The “**WEED MANAGEMENT CLAUSE**” that is enclosed is a document that we would like to have the buyer read and sign. This lets the future owners know that a weed management plan has been filed and also helps them become aware of laws pertaining to noxious weeds. We have found that having the “**WEED MANAGEMENT CLAUSE**” attached to the buy/sell agreement is the best way to accomplish this procedure.

Also enclosed is a copy of the "MADISON COUNTY SUBDIVISION REGULATIONS". You will notice that the Weed Board charges a deposit/fee for inspection and approval of Subdivisions. As item 3. states, **application shall not be accepted or approved unless accompanied by applicable fees.**

The Board wishes to inform you that the Montana/County Weed Control Act, Section 7-22-2110, does provide you the right to an Administrative Hearing-Appeal. Your first Hearing-Appeal would be with the Madison County Commissioners.

Should you have any questions or prefer to have the Weed Board assist with completion the Application, please feel free to contact me.

Sincerely,

Margie N. Edsall, Coordinator
Madison County Weed Board

Madison County Weed Board

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Noxious Weed Control Management Plan

Plan# _____

Date _____

I. Ownership and Location:

A. Name: _____

Address: _____

Phone#: _____

B. Location:

a. Legal Description: _____ 1/4 _____ 1/4 _____ 1/4

Section _____ Township _____ Range _____

C. A Map identifying or locating the Ownership must be included.

D. Subdivision Name: _____

II. Noxious Weed Data:

A. Types of Noxious Weeds: _____

B. Acres of infestation by weed species and land use. (Use data key-2nd pg.)

Location	Weed Species	Acres	Land Uses	Environmental & Safety Factors
Example:	S. knapweed	4	Residential	Trees/Garden/Creek

1. _____
2. _____
3. _____
4. _____
5. _____

(If possible, please locate above infestations on map)

III. Control activities:

- A. Types of Control: (1) Chemical_____ (2) Biological_____
(3) Cultural_____ (4) Integrated_____ (5) Other_____
- B. Control Methods: (1) Handgun_____ (Ground Boom)_____
(3) Aerial Application_____ (4) Other_____
- C. Who will conduct the control activity (applicator):
(1) Self_____ (2) Neighbor_____ (3) Commercial Applicator_____
(4) Other_____

IV. Other plans for present control: (Time of control, Herbicides used and application rates, monitoring, etc.) _____

V. Plans for future Noxious Weed Control: (Monitoring plans- vegetative transects, photo points, employee awareness. Herbicide use plans. Biological use plans, etc.)

NOXIOUS WEED DATA KEY:

- | | |
|---------------------------|------------------------------|
| 1. Spotted Knapweed | A. Cultivated Cropland |
| 2. Diffuse Knapweed | B. Cultivated Hayland |
| 3. Russian Knapweed | C. Irrigated Pasture (range) |
| 4. Leafy Spurge | D. Native Rangelands |
| 5. Canada Thistle | E. Riparian Lands |
| 6. Dalmation Toadflax | F. Timber Lands |
| 7. Field Bindweed | G. Mining Lands |
| 8. Whitetop (hoary cress) | H. Residential Site (rural) |
| 9. St. Johnswort | I. Residential Site (urban) |
| 10. Dyer's Woad | J. Commercial (rural) |
| 11. Yellow Starthistle | K. Commercial (Urban) |
| 12. Common Crupina | L. Recreation |
| 13. Tansy Ragwort | M. Non-use |
| 14. Rush Skeltonweed | |
| 15. Common Tansy | |
| 16. Houndstongue | |
| 17. Musk Thistle | |
| 18. Common Mullein | |

Note: All Weed Management Plans should be signed, dated, and notarized (see next page).

VI. Approval / Non-Approval: (For office use only)

*Before the Board will accept this Weed Management Plan for Approval, the Applicant must have his/her Notarized signature in place on this document. The Weed Board Chairperson will sign after Board Review and Approval.

A. Approval - _____ Date: _____
B. Approval with modifications - _____ Date: _____
C. Non-Approval - _____ Date: _____

D. Board Recommendations & Reasons: Should the Board have any recommendations to assist the landowner, or if this Plan is not approved, a letter of explanation will be sent to the landowner.

Signed:

Madison County Weed Board

Applicant/Landowner

Chairperson Signature

Signature

Date

Date

STATE OF MONTANA)
) **ss.**
COUNTY OF MADISON)

On this _____ day of _____, 20____, before me, the undersigned Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Notary Public of the State of Montana

Residing at _____

My Commission Expires _____

MADISON COUNTY PLANNING BOARD

The Subdivisions must comply with Madison County Weed Board regulations based on Montana Statutes **7-22-2216**, Unlawful to Permit Noxious Weed to Propagate, and **7-22-2117**, Violations.

1. It is the responsibility of the subdivider to contact the County Weed Control Board located at 313 E. Idaho, Virginia City, Montana, Ph# (406) 843-5594, to review the Weed Control regulations and, if requested, to jointly inspect the prospective subdivisions to determine necessary weed control measures.
2. It is the responsibility of the subdivider to review the Weed Control regulations with any buyer of one or more of his lots.
3. The initial lot purchaser and all subsequent owners are responsible for complying with County Weed Control regulations.

Buyers Signature

Date _____

Buyers Signature

Date _____

STATE OF MONTANA)
) ss.
COUNTY OF MADISON)

On this _____ day of _____, 20____, before me, the undersigned Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Notary Public of the State of Montana

Residing at _____

My Commission Expires_____

B. Subdivisions

As stated in "VI General Provisions and Improvement Standards" of "Madison County Subdivision Regulations" (Effective January 1, 1996):

"A Weed Control Agreement must be approved by the Madison County Weed Control Board, and will be signed by the Subdivider".

And – Cost Share program under Section 7-22-2146-

Madison County will supply administrative assistance, review and personnel.

Office space, vehicle, equipment, communications equipment, computer, fax and photocopy will be supplied by Madison County. The owner will supply funds to defray the expenses incurred.

1. A Madison County Weed Board approved Weed Management Plan and Cost Share Program will be filed with the Weed Board prior to final Subdivision approval. This Plan will include:
 - a. the owner or representative's name and address
 - b. location by legal description
 - c. a vicinity or other map locating the ownership
 - d. noxious weed data
 1. types of noxious weeds
 2. approximate acres of infestations
 3. anticipated land use and other environmental concerns
 4. planned weed control activities
 5. plans for future weed control (3-5 years)
 6. owner's Notary approved signature
2. The Madison County Weed Board, or its representative, will inspect the proposed Subdivision, with consideration given to the filed Weed Management Plan as a reference for noxious weeds infesting the Subdivision acreage.
3. The Subdivider must pay a deposit/fee to defray the expenses of Subdivision inspection and subdivision Weed Management Plan and Cost-Share Program approval. Application for Subdivision Weed Management Plan review and approval shall not be accepted unless accompanied by applicable fees (Check with Weed Board for fee amount).

The Board shall deduct man hours of labor, materials, and equipment time involved in the inspection and Cost-Share Program. The Administrator shall itemize each category and send a bill to the owner. The charges due on the bill will be deducted from the deposit. Repayment shall be due 30 days from the date the bill is sent. A copy of the bill shall be submitted by the Board to the County Clerk and Recorder. The Board shall notify the Clerk and Recorder whether the bill is paid within the time designated. If it is not repaid on or before the date due, the County Clerk and Recorder shall certify the amount thereof, with the description of the land to be charged, and shall enter the sum on the assessment list as a special tax on the land, to be collected in the manner provided in 7-22-2148 MCA.

4. After reviewing the Plan and the Subdivision site, the Plan will be acted on at the next regular meeting of the Madison County Weed Board. If the Plan is approved, an approval letter will be sent to:
 - a. the Subdivider or its representative
 - b. the Board of Madison County Commissioners
 - c. the Madison County Clerk and Recorder's office
 - d. the Madison County Planning Board

If the Plan is not approved, the Subdivider has the following options:

- a. make revision to the Plan and resubmit it
- b. request assistance for the Weed Board or its representative in revising the Weed Management Plan
- c. request an Administrative hearing pursuant to Sec. 7-22-2110, MCA.

The Madison County Weed Board considers the Subdivision Weed Management Plan process a positive means of continuing awareness and education of the need for landowners to be knowledgeable and responsible to their noxious weed problems and the Board's desire to persist with the effective management of the State and County declared noxious weeds, as is stated in the Montana-County Noxious Weed Control Act.